

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 1:23-cv-00108-LMB-JFA

**[PROPOSED] ORDER GRANTING THE RELIEF REQUESTED IN RESPONSE OF
NON-PARTY KARGO GLOBAL, INC. TO PENDING MOTIONS TO CONTINUE
SEALING CONFIDENTIAL DOCUMENTS PREVIOUSLY FILED UNDER SEAL**

Before the Court are multiple motions to seal (ECF Nos. 592, 605, 612, 642, 648, 651, 661, 667, 698, 712, 715, and 719, the “Seal Motions”) and the response by non-party Kargo Global, Inc. (“Kargo”) requesting that the Court Continue Sealing Confidential Documents Previously Filed Under Seal (the “Response”). The sealed pleadings, ECF Nos. 581-1, 581-4, 637, 640, 646-7, 660, and 669 that are the subject of the Response (the “Sealed Pleadings”) collectively contain highly sensitive internal strategy information that would be of significant value to Kargo’s competitors and the disclosure of which would enable such competitors to gain insight into Kargo’s internal business operations and outlook. To date, the Sealed Pleadings have all been filed under seal and protected from public disclosure. Public disclosure of the Sealed Pleadings would place Kargo at a disadvantage with respect to its existing and potential competitors and customers by allowing them access to Kargo’s internal strategic business decisions and competitive outlook. The Court therefore finds that it is appropriate to enter an order sealing and/or redacting the Sealed Pleadings.

In the Fourth Circuit, “before a district court may seal any court documents, ... it must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

The Court finds that: (i) sufficient notice to seal was given in the Seal Motions and Kargo has properly filed its Response to Continue Sealing Confidential Documents Previously Filed Under Seal (ECF No. ____); (ii) the Sealed Pleadings contain Kargo’s confidential and proprietary business information; (iii) only sealing and/or proposed limited redactions will protect Kargo from competitive harm; (iv) there are no less drastic alternatives to sealing and/or the proposed limited redactions; and (v) the public’s right of access, whether based on the common law right of access, or the First Amendment right of access, has been overcome. For the foregoing reasons, and pursuant to Local Civil Rule 5 and for good cause shown, it is hereby

ORDERED that the relief requested in Kargo’s Response is GRANTED; and it is

IT IS FURTHER ORDERED that: ECF Nos. 581-1, 581-4, 637, 640, 646-7, 660, and 669 shall remain permanently under seal.

Dated: _____, 2024

Leonie M. Brinkema
United States District Judge